FAX COVER SHEET

TO	Examiner Wei Y. Zhen
COMPANY	TC 2100
FAX NUMBER	15712738300
FROM	Mark Terry
DATE	2009-05-06 23:00:27 GMT
RE	App No. 10/700431

COVER MESSAGE

I look forward to discussing this case with you at an agreed upon time via telephone. I will await your telephone call to establish a time for the telephone interview.

Mark Terry
786-443-7720

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In reapplication of	:	Customer Number: 60033
	:	
Gupta et al.	:	Confirmation No.: 5648
	:	
Application No. 10/700,431	:	Group Art Unit: 2191
	:	
Filed: 11-04-2003	:	Examiner: Ted Vo

For: FACILITATION OF MULTI-PROJECT MANAGEMENT USING CRITICAL
CHAIN METHODOLOGY

Commissioner for Patents
P.O. Box 1450
Alexandria, VA

INTERVIEW AGENDA FOR TELEPHONIC EXAMINER INTERVIEW
NOT YET SCHEDULED

Examiner Vo:

Pursuant to my telephone discussion with Examiner Wei Zhen today, herewith is a proposed interview agenda to discuss the references cited by you in the Office Action dated as mailed on 2-13-2009, namely, the new references of Leach, "Critical Chain ...," API, 1997 ("Leach1") and Leach, "Schedule and Cost ...," API ("Leach2"). Applicant thanks Examiner Wei Zhen for the upcoming telephonic examiner interview not yet scheduled. The interview will include Ms. Zhen, Mr. Vo and myself.

(Copy to Wei Zhen)

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Pending Independent Claims:

1.   A method on a computer for providing critical chain-based project management across a plurality of projects, comprising:

generating a plurality of project plans having a critical chain, each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task;

generating buffers for each of the plurality of projects, wherein at least one of the buffers generated is placed on the critical chain;

reconciling project resources among the plurality of projects so as to accommodate the critical chain;

executing the plurality of project plans;

continuously providing status information about the buffers to a user; and

allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers.

5.   A method on a computer for providing critical chain-based project management across a plurality of projects, comprising:

generating a plurality of project plans having a critical chain, each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task;

generating buffers for each of the plurality of projects, wherein at least one of the buffers generated is placed on the critical chain;

reconciling project resources among the plurality of projects so as to

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accommodate the critical chain;

executing the plurality of project plans;

continuously providing status information about the buffers to a user;

allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers; and

continuously modifying task prioritization for any task of the plurality of projects based on the status information about the buffers, wherein task prioritization is calculated across the plurality of projects.

9.   A server for providing critical chain-based project management across a plurality of projects, the server comprising a memory storage device including computers instructions for:

generating a plurality of project plans having a critical chain, each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task;

generating buffers for each of the plurality of projects, wherein at least one of the buffers generated is placed on the critical chain;

reconciling project resources among the plurality of projects so as to accommodate the critical chain;

executing the plurality of project plans;

continuously providing status information about the buffers to a user; and

providing the user with an interface for allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers.

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13.   A server for providing critical chain-based project management across a plurality of projects, the server comprising a memory storage device including computers instructions for:

generating a plurality of project plans having a critical chain, each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task;

generating buffers for each of the plurality of projects, wherein at least one of the buffers generated is placed on the critical chain;

reconciling project resources among the plurality of projects so as to accommodate the critical chain;

executing the plurality of project plans;

continuously providing status information about the buffers to a user;

allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers; and

continuously modifying task prioritization for any task of the plurality of projects based on the status information about the buffers, wherein task prioritization is calculated across the plurality of projects.

17.   A memory storage device including computer instructions for providing critical chain-based project management across a plurality of projects, the computer instructions including instructions for:

generating a plurality of project plans having a critical chain, each of the plurality of project plans corresponding to one of the plurality of projects, wherein a project comprises at least one task;

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generating buffers for each of the plurality of projects, wherein at least one of the buffers generated is placed on the critical chain;

reconciling project resources among the plurality of projects so as to accommodate the critical chain;

executing the plurality of project plans;

continuously providing status information about the buffers to a user;

providing an interface to the user for allowing the user to manage the buffers across the plurality of projects based on the status information about the buffers; and

continuously modifying task prioritization for any task of the plurality of projects based on the status information about the buffers, wherein task prioritization is calculated across the plurality of projects.

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AGENDA ITEM #1:

Incomprehensible Statement by Examiner Regarding the Specification

The Examiner states on p. 2 of the Office Action (and this is a verbatim citation) "the amendment that changes the meanings is considered as attempting adding new subject matters. If anything that has made the change, a amendment for restoring would be appropriate." In addition to having numerous grammatical and syntactical errors, the statement above is ambiguous and confusing. Applicant does not understand the Examiner's statement and asks for clarification. Is this statement an official objection to Applicant's specification? Is the Examiner requesting that an amendment be made to the specification? Applicant requests that the Examiner's statement be either clarified or withdrawn.

AGENDA ITEM #2:

Claim Element "Modifying task prioritization ..."

With regard to claim element "*continuously modifying task prioritization for any task of the plurality of projects based on the status information about the buffers, wherein task prioritization is calculated across the plurality of projects*" of Applicant's independent claims 5, 13 and 17, the Examiner makes no mention of this claim element in the Office Action. It is surprising that the Examiner does not assert anywhere in the Office Action that this claim element is found in any of the cited references. It is well held that the basics of a 35 U.S.C. section 102(a) rejection requires that the Examiner articulate where he has found the Applicant's claim elements in a cited reference. In this case, however, the Examiner has completely ignored this claim element. This is completely improper in a 35 U.S.C. section 102(a) rejection since the Examiner has the burden to clearly point out where in the cited reference the Examiner has found each and every claim element of Applicant. Clearly, the Examiner has not met his burden under 35 U.S.C. section 102. For this basic reason, applicant requests that the Office Action of 2-13-2009 be rescinded and re-issued.

Besides the improper form of this rejection, the aforementioned claim element is

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not found anywhere in Leach1 or Leach2. In fact, neither reference even mentions the concept of *"task prioritization"* as claimed by Applicant.

AGENDA ITEM #3:
Claim Element "At least one of the buffers generated ..."

With regard to claim element *"at least one of the buffers generated is placed on the critical chain"* of Applicant's independent claims 1, 5, 9, 13 and 17, the Examiner states on p. 3 of the Office Action that this claim element is found at p. 29 and p. 30 of Leach1. The Leach1 reference, however, has only 19 pages, and therefore there is no page 29 or 30 in the Leach1 reference. Thus, the Examiner has not even provided a valid page number for the cited reference. Therefore, the Applicant cannot address this statement by the Examiner regarding the alleged location of Applicant's claim element in the Leach1 reference. Applicant requests that the Examiner's reference to Leach1 be either clarified or withdrawn.

Further, the Examiner states on p. 3 of the Office Action that the aforementioned claim element is found at p. 30 of Leach1 and cites to a phrase "lie on the project's critical path." Besides the fact that Leach1 has no page 30 and that the phrase "lie on the project's critical path" is not found anywhere in the entire Leach1 reference, it is improper for the Examiner to equate the *"critical chain"* of Applicant's claim to a *"critical path."* There is a vast difference between a *"critical chain"* of Applicant's claim and a *"critical path,"* and this was the central dispute in the previous round of prosecution, to which the Examiner conceded. In fact, Leach1 itself states that "Critical Chain Project Management develops a critical chain, rather than a critical path, as the primary focus of the project." See para. 4 of p. 11 of Leach1.

In project management, the *"critical chain"* is the sequence of both precedence- and resource-dependent terminal elements that prevents a project from being completed in a shorter time, given finite resources. If resources are always available in unlimited quantities, then a project's *"critical chain"* is identical to its *"critical path."* A *"critical chain"* is used as an alternative to a *"critical path"* of a project.

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AGENDA ITEM #4:

Claim Element "Reconciling resources ..."

With regard to claim element *"reconciling project resources among the plurality of projects so as to accommodate the critical chain"* of Applicant's independent claims 1, 5, 9, 13 and 17, the Examiner states on p. 3 of the Office Action that this claim element is found at Figure 3 of p. 5, and para. 4 of p. 11 of Leach1. Figure 3 of p. 5 of Leach1 is reproduced below:
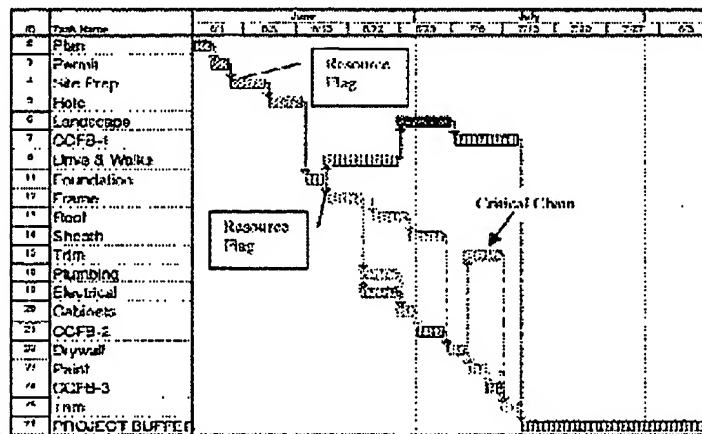

Figure 3: Example Critical Chain schedule identifies key features of the plan.

The Examiner does not explain how the figure above discloses the claim element *"reconciling project resources among the plurality of projects so as to accommodate the critical chain."* The Examiner has failed in his burden to show how a figure alone can disclose the act of reconciling resources, as claimed by Applicant.

Further, para. 4 of p. 11 of Leach1 is reproduced below:

> CCPM develops a Critical Chain, rather than a Critical Path, as the primary focus of the project. The Critical Chain includes BOTH logical and resource dependence. CCPM establishes the Critical Chain after removing resource contentions, rather than before considering the resource limitations. The Critical Chain remains unchanged for the entire duration of the project, and is the primary focus of the project manager.

Again, the Examiner does not explain how the Leach1 passage above discloses the claim element *"reconciling project resources among the plurality of projects so as to accommodate the critical chain."* The passage above does not disclose the act of
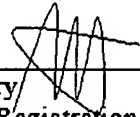
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reconciling resources, much less the act of reconciling resources to accommodate a critical chain. Again, the Examiner has failed in his burden to show how the passage above can disclose the act of reconciling resources, as claimed by Applicant.

<div align="center">CONCLUSION</div>

In the event the examiner wishes to discuss any aspect of this proposed agenda, please contact the attorney at the telephone number identified below.

I look forward to discussing this case with you at an agreed upon time via telephone. I will await your telephone call to establish a time for the telephone interview.

By: _____
Mark Terry
Attorney Registration No. 47,133
786-443-7720 (voice)

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